P 25

(1953) Department.

M 3 SERIES.

G.O. No. 2753

Dated 29.8.53

FOR MYSORE STATE

[Despatch Abstract.]

Civil Procedure Code – Sec 38 A
Empowering courts to award ex-[illegible]
Legislation Proposal Defered

GOVERNMENT OF MADRAS

Abstract

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Civil Procedure Code - Section 35-A - Empowering Courts to award exemplary costs suomotu - Legislation - Proposal - Deferred - Instructions issued to claim costs in suitable cases -

- - - -

on account of the failure on the part of the officers concerned to make a claim under section 35-A, Civil Procedure Code in due time although the Courts were inclined to award such costs. The Government have examined the question of undertaking legislation to amend section 35-A Civil Procedure Code in order to empower courts to award exemplary costs suo motu in such cases and have decided that the question should be deferred for the present.

The Government consider that the loss referred to above could have been avoided if the concerned officer had exercised some care. The Government therefore, direct that all Heads of Departments and Government Pleaders should in future see that in suits or defences which appear to be false or vexatious, claims for compensatory costs under section 35-A Civil Procedure Code are made promptly before the Court concerned.

(By order of the Governor of Madras)

G. Gopalakrishna Naidu,
Deputy Secretary to Government.

To all Heads of Departments including
District Collectors and district Judges.
To L" Government Pleaders in the mufassal thro' Collectors
To the Government Pleader Madras
To all Departments of Secretariat (all sections)

/True copy/Forwarded/By order/

Superintendent